

REMARKS

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Claims 7-8 were pending prior to the Office Action. Claims 9-22 have been added through this reply. Therefore, claims 7-22 are pending. Claims 7, 8, 9 and 22 are independent.

§ 103 REJECTION – LATHROP, TAKEMURA

Claims 8 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lathrop (U.S. Patent 6,288,743) in view of Takemura (U.S. Patent 6,657,658). Applicants respectfully traverse.

For a Section 103 rejection to be proper, a *prima facie* case of obviousness must be established. See *M.P.E.P.* 2142. One requirement to establish *prima facie* case of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. See *M.P.E.P.* 2142; *M.P.E.P.* 706.02(j). Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

Independent claim 8 recites, in part, “wherein the image property setting device and the single processing device work cooperatively to repeatedly query whether a user is satisfied with the processed image data, query for changes to the image property parameter in the even that the user is not satisfied, and process the unprocessed image

data in accordance with the correspondingly changed image property parameter until the user is satisfied."

Neither Lathrop nor Takemura teaches or suggests at least this feature. For example, with regards to Lathrop, it is clear that Lathrop is merely concerned with incrementally processing increments of the preliminarily processed data in the non-volatile storage device 32 that can be interrupted whenever the user decides to take a new image. See *Lathrop*, column 4, lines 18-24. Lathrop is completely silent regarding user interface activities of any type. Therefore, it is clear that Lathrop cannot teach or suggest the feature of repeatedly querying the user whether he/she is satisfied with the processed image and processing the unprocessed image with changed image parameters until the user is satisfied.

On the other hand, Takemura does disclose utilizing setting keys 13a and 13b to allow users to adjust items such as color, gradation, brightness, sharpness, and special finish. See *Takemura*, Figures 3 and 4; column 7, lines 29-55. Takemura does disclose that after inputting the desired finish, image processing condition is determined according to the desired finish and the digital image data is processed according to the image processing condition determined. See *Takemura*, column 7, lines 56-59.

However, Takemura is completely silent regarding whether the image processing is performed on unprocessed image data. Also, Takemura, at best, only discloses that the image processing is performed only once based on the desired finish. There is no disclosure in Takemura that the device repeatedly queries for changes to any type of

image parameters and process the unprocessed image data in accordance with the correspondingly changed image property parameters until the user is satisfied.

Since neither Lathrop nor Takemura teaches or suggests the above-recited feature, it is clear that the combination of Lathrop and Takemura also cannot be relied upon to teach or suggest the above-recited feature. For this reason alone, claim 8 is distinguishable over the combination of Lathrop and Takemura.

There are other distinctions as well. The present invention is related to an electronic camera, which a user can reset a previously set image property settings without deteriorating the image quality.

Lathrop is merely concerned with producing low cost electronic cameras, by using non-volatile memory instead of a buffer memory to reduce reliance on the buffer memory and the signal processing circuit. Otherwise, Lathrop is not different from an ordinary electronic camera. Lathrop does not use the relatively expensive internal memory having a large capacity to reduce the shutter time lag of continuous-photographing, but instead uses relatively inexpensive external memory for continuous-photographing.

To impose a process to confirm an image after processing for exposure would add a process delay to the invention of Lathrop. This runs counter to the primary intention of Lathrop, which is to speed-up continuous-photographing. See *Lathrop*, column 1, lines 51-63. In other words, to modify Lathrop as the Examiner suggests

renders Lathrop unsatisfactory for its intended purpose. This is also sufficient, by itself, to distinguish claim 8 over the combination of Lathrop and Takemura.

For at least the reasons stated above, claim 8 is distinguishable over the combination of Lathrop and Takemura. Applicants respectfully request that the rejection of claim 8 based on Lathrop and Takemura be withdrawn.

§ 103 REJECTION – LATHROP, TAKEMURA, SHINSKY

Claims 7 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lathrop in view of Takemura and in further view of Shinsky et al. (US Patent No. 6,285,398). Applicants respectfully traverse.

Independent claim 7 recites, in part, "wherein the image property setting device and the single processing device work cooperatively to repeatedly query whether a user is satisfied with the processed image data, query for changes to the image property parameter in the even that the user is not satisfied, and process the unprocessed image data in accordance with the correspondingly changed image property parameter until the user is satisfied."

It has been shown above that the combination of Lathrop and Takemura may not be relied upon to teach or suggest the feature recited above. Shinsky has not been, and indeed cannot be, relied upon to correct for at least the above noted deficiency of Lathrop and Shinsky.

For this reason alone, claim 7 is distinguishable over the combination of Lathrop, Takemura, and Shinsky. It has also been demonstrated above that Lathrop cannot be combined with Takemura as suggested by the Examiner since such modifications renders Takemura unsatisfactory for its intended purpose.

Applicants respectfully request that the rejection of claim 7 based on Lathrop, Takemura, and Shinsky be withdrawn.

NEW CLAIMS

Claims 9-22 have been added through this reply. All new claims are believed to be distinguishable over the cited references, individually or in any combination.

Independent claim 9 recites, in part, "querying for changes to the imaging parameters in the event that the user is not satisfied," "processing the unprocessed image data based on changes to the imaging parameters" and "repeating the querying and processing steps until the user indicates satisfaction."

Claims 10-20 depend from independent claim 9 directly or indirectly.

Claim 21 depends from independent claim 8.

Claim 22 recites, in part "a recording device which records, in a recording medium, the unprocessed image data and the data of the image property parameter set with the image property setting device, with associating the unprocessed image data and the image property parameter with each other" and "a retrieving device which reads

out the unprocessed image data from the recording medium, and expands the read out data over the first buffer.”

Applicants respectfully request that all new claims be allowed.

CONCLUSION

All objections and rejections raised in the Final Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants respectfully petition for a two (2) month extension of time for filing a reply in connection with the present application, and the required fee is attached hereto.


If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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